



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6838-99

1 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 6 September 1947 at the age of 17. Your record reflects that during the period from 9 January 1948 to 12 August 1949 you received captain's mast (CM) on three occasions and were convicted by deck court (DC) and twice by summary court-martial (SCM). Your offenses were four incidents of absence from your appointed place of duty, falsehood, skylarking, and three periods of unauthorized absence (UA) totalling 27 days.

Your record reflects that on 19 December 1949 you were convicted by general court-martial (GCM) of a 12 day period of UA. You were sentenced to reduction in rate, confinement for six months, and a bad conduct discharge (BCD). On 21 and 23 December 1949 you received CM for breaking restriction and failure as a sentry.

Subsequently, the BCD was approved at all levels of review and ordered executed. On 22 April 1950 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and immaturity and your contention that you would like your discharge upgraded because you feel that you have been punished enough. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director